

**Notice of Allowability**

Application No.

10/779,908

Examiner

Benjamin H. Layno

Applicant(s)

KENNY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/12/06 and interview on 7/18/06.
2. ☒ The allowed claim(s) is/are 33-42, 45 and 46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 07/19/06.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>07/19/06</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____  |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Soula Skokos on 07/18/06.

The application has been amended as follows:

Claims 43 and 44 have been canceled.

In claim 33, line 1, --poker—has been inserted after “playing a” and before “wagering”.

In claim 33, line 4 (paragraph b), --poker – has been inserted after “published” and before “ranking”.

In claim 33, line 8 (paragraph e), the recitation “the player makes” has been deleted.

In claim 33, line 8 (paragraph e), the recitation –starting a round of play wherein each player making—has been inserted before “certain”.

In claim 33, line 11 (paragraph f) –only-- has been inserted after “dealing” and before “two”.

In claim 33, line 11 (paragraph f) the recitation –to form a player's two card poker hand—has been inserted after “player” and before “;”.

In claim 33, line 12 (paragraph g) --only-- has been inserted after "dealing" and before "two".

In claim 33, line 12 (paragraph g) the recitation --to form a dealer's two card poker hand, wherein the two cards dealt to the player and the two cards dealt to the dealer are the only two cards dealt during the first round of play--has been inserted after "dealer" and before ",".

In claim 33, line 45 (paragraph n) the recitation --starting a new round of play by repeating steps (e) through (m)--has been inserted after "option of".

In claim 33, line 45 (paragraph n) the recitation "continuing wagering game" has been deleted.

In claim 33, line 46 (paragraph n) the recitation --and ending the first round of play and new rounds of play by collecting the playing cards and returning the played cards to the at least one standard deck of 52 cards plus at least one joker--has been inserted after "is made".

In claim 33, lines 46-47 (paragraph n) the recitation "by repeating steps (e) through (m)" has been deleted.

In claim 34, line 1 "1" has been changed to --33--.

In claim 35, line 1 "1" has been changed to --33--.

In claim 36, line 1 "1" has been changed to --33--.

In claim 37, line 1 "1" has been changed to --33--.

In claim 38, line 1 "1" has been changed to --33--.

In claim 39, line 1 "1" has been changed to --33--.

In claim 40, line 1 "1" has been changed to --33--.

In claim 41, line 1 "1" has been changed to --33--.

In claim 42, line 1 "1" has been changed to --33--.

In claim 45, line 1 "1" has been changed to --33--.

In claim 46, line 1 "1" has been changed to --33--.

In claim 46, line 2 the recitation "Play bet" has been deleted.

In claim 46, line 2 the recitation --third support wager-- has been inserted after "wherein a" and before "may".

In claim 46, line 2 the recitation "an Ante bet" has been deleted.

In claim 46, line 2 the recitation --the first wager against the dealer-- has been inserted after "multiple of" and before ".".

### ***Drawings***

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Fig. 1 is hand drawn and therefore informal. In order to avoid abandonment of the application, the drawing informalities noted must now be corrected.

Correction can only be effected in the manner set forth below

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement

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Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Reasons For Allowance***

3. The following is an examiner's statement of reasons for allowance: None of the cited references alone or in combination teach the claimed steps of "dealing **only** two cards to each player to form a player's two card poker hand;," "dealing **only** two cards to the dealer to form a dealer's two card hand poker hand, wherein the two cards dealt to the player and the two cards dealt to the dealer are the **only** cards dealt during the

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first round of play”, “giving the player the option of starting a new round of play by repeating steps (e) through (m) **before** a shuffle of the standard deck of 52 playing cards plus at least one joker is made and ending the first round of play and new rounds of play by collecting the playing cards and returning the played cards to the at least one standard deck of card of the 52 playing cards plus at least one joker” in claim 33.

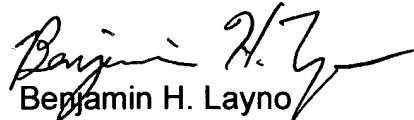
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Benjamin H. Layno  
Primary Examiner  
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bhl